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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*

UNITED STATES OF AMERICA

v.

NATHAN CRAIGUE

\* \* \* \* \*

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\*  
\* 19-cr-142-01-LM  
\* June 10, 2021  
\* 2:13 p.m.  
\*  
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TRANSCRIPT OF JURY TRIAL  
DAY FOUR - AFTERNOON SESSION  
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:

For the Government: John S. Davis, AUSA  
Aaron G. Gingrande, AUSA  
U.S. Attorney's Office

For the Defendant: Behzad Mirhashem, Esq.  
Dorothy E. Graham, Esq.  
Federal Defenders Office

Court Reporter: Susan M. Bateman, RPR, CRR  
Official Court Reporter  
United States District Court  
55 Pleasant Street  
Concord, NH 03301  
(603) 225-1453

1 P R O C E E D I N G S

2 (SEALED CHAMBERS CONFERENCE)

3 (IN COURT - JURY PRESENT)

4 THE COURT: Members of the jury, when we left and  
5 broke for lunch, I fully expected and anticipated we would be  
6 back here with Officer Kelly at 1:30.

7 However, something has come up in the case, and I  
8 could keep you here twiddling your thumbs for a bit longer and  
9 then hear from a partial witness perhaps, but I've made the  
10 decision that I'm going to send you home now. Rather than  
11 have you wait even another hour before you hear the next  
12 witness, I would rather give you the opportunity to go  
13 straight home a little bit early. I'm sorry to have to break  
14 at this point in the trial, but again things come up.

15 Ultimately, we will reconvene at 9:00 a.m.  
16 tomorrow. And my instructions are the same, and you've been  
17 so attentive throughout I'm not going to repeat them. Just  
18 remember those instructions.

19 Thank you very much, and we'll see you at 9:00 a.m.  
20 tomorrow.

21 (IN COURT - NO JURY PRESENT)

22 THE COURT: Anything further?

23 Anything further that you've thought of, Attorney  
24 Mirhashem?

25 MR. MIRHASHEM: I would ask one question. Is the

1 Court considering the possibility of closing the courtroom in  
2 the absence of a request from the government? Do we need to  
3 be prepared for that even if the government doesn't request  
4 it?

5 THE COURT: I don't think so.

6 MR. MIRHASHEM: I believe they indicated that they  
7 wouldn't so --

8 THE COURT: I certainly would alert you to that  
9 before court if that's something that the Court is considering  
10 sua sponte, but I raised it only because I wanted to make sure  
11 you had it on the mind it might be something I would ask  
12 about.

13 I am concerned about it, but ultimately my instinct  
14 suggests to me that it would be open, but I would want to do  
15 the research on it and be comfortable that that is the right  
16 decision in terms of that particular witness.

17 But I also think the government has standing to  
18 make that argument. He is the government's witness. So  
19 ultimately I'll leave that to the government, but I will  
20 notify you if in fact I think that the Court wants to hear  
21 argument on that sua sponte.

22 MR. MIRHASHEM: Okay.

23 THE COURT: Anything else?

24 And someone will notify Attorney Lothstein we're  
25 going to start -- we want [REDACTED] here probably by 9:30. You

1 would be crossing Officer Kelly.

2 MR. MIRHASHEM: My cross of Kelly is going to take  
3 a long time, your Honor, even aside from this issue.

4 THE COURT: It is. So perhaps 10:00. 10:00 a.m.,  
5 does that sound fair?

6 MR. MIRHASHEM: We're starting at 9:00?

7 THE COURT: We'll start at 9:00, yes, unless you  
8 bring anything else to my attention.

9 MR. MIRHASHEM: That's fine.

10 MR. DAVIS: That's fine, Judge.

11 THE COURT: So 10:00 a.m. you think would work? I  
12 don't want to have a gap. You think 10:00 a.m. is safe in  
13 terms of your cross of Kelly? Because his direct is done so  
14 it's just your cross and then any redirect.

15 MR. MIRHASHEM: I think my cross is going to be at  
16 least an hour.

17 THE COURT: Okay. Well, let's say 9:30 just to be  
18 safe.

19 THE CLERK: For Attorney Lothstein?

20 THE COURT: Yes. We don't want to have any gap.

21 THE CLERK: And what time should counsel be here in  
22 the morning, 8:45 or 8:30?

23 THE COURT: Tomorrow?

24 If you have something that we need to discuss --  
25 and I think at this point you know when you need to grab my

1 attention. If you need to discuss something, I will make sure  
2 I'm here by 8:00, and just let Attorney Esposito know by 7:30  
3 if you need to meet with me. If you don't, I will see you at  
4 9:00 a.m., all right?

5 (Jury trial in recess at 2:13 p.m.)  
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## C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 7-8-21

/s/ Susan M. Bateman  
SUSAN M. BATEMAN, RPR, CRR